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PATENT APPLICATION

ATTORNEY DOCKET NO. 10013075-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark R. STEVENS, et al.

Confirmation No.: 7937

Application No.: 09/987,918

Examiner: Larose, C. M.

Filing Date: 11/16/01

Group Art Unit: 2627

Title: HISTOGRAM-BASED COLOR CONSISTENCY MEASURE FOR SCENE RECONSTRUCTION

Mail Stop Appeal Brief - Patents  
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PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 01/03/06

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Stevens et al.	Patent Application
Application No.:	09/987,918	Group Art Unit: 2623
Filed:	November 16, 2001	Examiner: Larose, Colin M.
For:	HISTOGRAM-BASED COLOR CONSISTENCY MEASURE FOR SCENE RECONSTRUCTION	

REPLY BRIEF

In response to the Examiner's Answer mailed on January 3, 2006, Appellants respectfully submit the following remarks.

## REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

### Item 1 of the Examiner's Response to Argument

In item 1 of the Examiner's response to the Appellant's argument A (please see pages 10-12 of the Examiner's Answer), the Examiner argues that "the stated purpose of Krishnamachari's system is to retrieve images from a database that are most similar or same to a target image" (emphasis added; Examiner's Answer, page 10, lines 20-21). Applicants respectfully assert that this statement mischaracterizes the purpose of Krishnamachari. In particular, Krishnamachari does not teach, describe or suggest the retrieval of an image that is the same as the target image. In contrast, the purpose of Krishnamachari is to provide image retrieval of similar images from large image databases.

In view of the above remarks, Appellant continues to assert that Krishnamachari does not teach, describe or suggest "obtaining a first two-dimensional image and a second two-dimensional image of an object," as claimed, for reasons previously presented in the Appeal Brief.

### Item 2 of the Examiner's Response to Argument

In item 2 of the Examiner's response to the Appellant's argument A (please see page 12 of the Examiner's Answer), the Examiner argues Krishnamachari in view of Moghaddam discloses the step of "processing the region." Applicants respectfully assert that the purpose of Krishnamachari is to find images similar to a target image. In particular, once the analysis is complete, the image is not processed. Furthermore, there is no motivation to process the

image, as the purpose of Krishnamachari is to find a similar image. Once the image is found, Krishnamachari does not teach, describe or suggest processing the image.

In view of the above remarks, Appellant continues to assert that Krishnamachari in view of Moghaddam does not teach, describe or suggest “processing the region,” as claimed, for reasons previously presented in the Appeal Brief.

#### Item 5 of the Examiner’s Response to Argument


In item 5 of the Examiner’s response to the Appellant’s argument A (please see page 14 of the Examiner’s Answer), the Examiner argues Moghaddam discloses the step of “selecting a first subset of image partitions in the first set of image partitions and a second subset of image partitions in the second set of image partitions based upon a criteria related to a three-dimensional region of the object.” Applicants respectfully assert that regions of interest as taught in Moghaddam are not selected based on or related to three-dimensional characteristics of the region. In particular, Moghaddam is silent as to the use of three-dimensional information.

In view of the above remarks, Appellant continues to assert that Krishnamachari in view of Moghaddam does not teach, describe or suggest “selecting a first subset of image partitions in the first set of image partitions and a second subset of image partitions in the second set of image partitions based upon a criteria related to a three-dimensional region of the object,” as claimed, for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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Date: 2/6/, 2006



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